

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,
Plaintiff,

v.

JOSHUA FISHER, JACOB W. MAHURON
A/K/A “PRAGMATIC TAX,” MATTHEW
ABBOTT A/K/A “NOVA,” JOSE
DEJESUS AKA “DAVID HASTINGS”
A/K/A “J3STER,” TRAVERS RUTTEN
A/K/A “TRAVERS7134,” JESSE
WATSON A/K/A “JESSEWATSON3944,”
JOHN DOE NO. 1 A/K/A “CALC,”
ANDREW THORPE A/K/A “CYPHER,”
RYAN POWER AKA “KHALEESI,” JOHN
DOE NO. 4 A/K/A “GOD,” JOHN DOE
NO. 5 A/K/A “C52YOU,” JOHN DOE NO.
6 A/K/A “LELABOWERS74,” JOHN DOE
NO. 7 A/K/A “FRAMEWORK,” KICHING
KANG A/K/A “SEQUEL,” JOHN DOE
NO. 9 A/K/A “1NVITUS,” DAVID
BRINLEE A/K/A “SINISTER,” JOHN DOE
NO. 11 A/K/A “THEGUY,” JOHN DOE
NO. 12 A/K/A “BEATRED,” JOHN DOE
NO. 13 A/K/A “COMMUNITYMODS,”
JOHN DOE NO. 14 A/K/A “PALACE,”
JOHN DOE NO. 15 A/K/A
“VINCENTPRICE,” JOHN DOE NO. 16
A/K/A “ESSWAN,” JOHN DOE NO.
17A/K/A “ADMIRAL,” JOHN DOE NO. 18
A/K/A “TOMDICKHARRY,” JOHN DOE
NO. 19 A/K/A “ROB,” JOHN DOE NO. 20
A/K/A “STAYLOCKED,” JOHN DOE NO.
21 A/K/A “FIVE-STAR,” JOHN DOE NO.
22 A/K/A “HORROR,” JOHN DOE NO. 23
A/K/A ELITECHEATZ.CO, JOHN DOE
NO. 24 A/K/A MIHAI LUCIAN, JOHN

Case No. 2:23-cv-01143-MLP

DECLARATION OF DYLAN SCHMEYER
IN SUPPORT OF PLAINTIFF’S *EX PARTE*
SEVENTH MOTION FOR AN
EXTENSION OF THE SERVICE
DEADLINE UNDER RULE 4(m)

NOTE ON MOTION CALENDAR:
May 13, 2025

DOE NO. 25 A/K/A NATHAN BERNARD,
A/K/A “DOVE,” JOHN DOE NO. 26
A/K/A “BLACKMAMBA,” JOHN DOE
NO. 27 A/K/A “BILLNYE,” JOHN DOE
NO. 28 A/K/A “BANEK192,” JOHN DOE
NO. 29 A/K/A SHOPPY ECOMMERCE
LTD, JOHN DOE NO. 30 A/K/A/ FINN
GRIMPE A/K/A “FINNDEV,” AND JOHN
DOES NO. 31-50,

Defendants.

I, Dylan Schmeyer, declare and state as follows:

1. I am an attorney with Kamerman, Uncyk, Soniker & Klein, P.C., counsel to Plaintiff Bungie, Inc. in this action. I make this declaration based on my personal knowledge of the facts herein, and could and would testify to them competently if necessary.

2. The Unidentified Defendants in this case have taken steps to obfuscate their identities and contact information, employing multiple pseudonyms across multiple platforms, and even trying to quash discovery efforts aimed at identifying them.

3. Defendants are actively attempting to cover their tracks, but Bungie has made great strides in identifying them, amending its complaint to reflect what it has learned and continuing to pursue the information necessary to serve, either conventionally, or, if necessary, through alternative service, every Defendant it is identifying.

4. Analyzing the available information and the information provided through third-party discovery is a laborious and time intensive process.

5. Bungie has diligently pursued discovery and other investigative efforts in this action in order to identify, name, and serve the Unidentified Defendants. Bungie sought and was granted leave to send its final round of third-party subpoenas, *see* Dkts. 58. 67.

6. Three of Bungie’s subpoenas, to Discord, Google, and Stripe, were served late due to an inadvertent error by our process server. Those productions have all finally arrived, with the final production responsive to the Payward subpoena arriving April 9.

7. Bungie has issued 31 subpoenas in total to various third parties pursuant to the Court’s Orders, *see* Dkts. 27, 51, and 67, to obtain the necessary information to complete its

1 investigation and identification of the Defendants – 18 in the first wave, six in the second wave,
2 and six in the third wave, and one follow-up in the third wave.

3 8. Bungie sent a Rule 4 waiver request with the Amended Complaint to every
4 Defendant it has identified to date (including those who received such requests for the original
5 complaint). Those identified Defendants include the following: Joshua Fisher; Jacob W.
6 Mahuron a/k/a “Pragmatictax”; Matthew Abbott a/k/a “Nova”; Jose DeJesus a/k/a “David
7 Hastings” a/k/a “J3ster”; Travers Rutten a/k/a “Travers7134”; Jesse Watson a/k/a
8 “Jessewatson3944”; Andrew Thorpe a/k/a “Cypher”; Ryan Power a/k/a “Khaleesi”; Kiching
9 Kang a/k/a “Sequel”; David Brinlee a/k/a “Sinister”; John Doe No. 12 a/k/a “Beatred” a/k/a
10 “Cicero A. Loureiro”; John Doe No. 14 a/k/a “Palace” a/k/a “Robert S. Herrity”; John Doe
11 No. 16 a/k/a “Esswan” a/k/a “Sabeen Rehman Soomro”; John Doe No. 21 a/k/a “Five-Star” a/k/a
12 “Taylor Knetter”; John Doe No. 30 a/k/a Finn Grimpe a/k/a “Finndev”; and John Doe No. 25
13 a/k/a “Nathan Bernard” a/k/a “Dove.” It has received two favorable responses, two rather
14 aggressively negative ones, and silence from the rest. It will continue to send waivers as further
15 identifications are made. It will move forward with service of those who have either not
16 responded, or who have responded negatively, once its alternative service needs are fully
17 ascertained and it has sought leave of the Court to do so.

18 9. Bungie has served every U.S. Defendant it has identified to date, either formally
19 or through a signed Rule 4 waiver.

20 10. Bungie does not believe it will identify further U.S. Defendants at this time, but it
21 requires more time to analyze the new data it has received to ensure that this is the case.

22 11. Bungie is currently in discussions with multiple Defendants regarding a possible
23 resolution.

24 12. I, and my whole team assisting with this case, have to arbitrate cases from May
25 19th to May 23rd, and June 30th to July 2nd. Preparation for these matters is extensive, and
26 progress on other matters, including this one, is slowed by these looming arbitrations.

27 13. Once we finish our analysis of the productions we have recently received, and

1 once we have prepared for and conducted these hearings, we will be able to finish identifying,
2 with particularity, the necessary parties to request alternative service for, and finalize the motion
3 for a second amended complaint.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct to the best of my knowledge.

6 Executed this 13th day of May, 2025, at Thornton, Colorado.

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8 *s/ Dylan Schmeyer*

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DYLAN SCHMEYER